REGISTER OF CLASSIFICATION DECISIONS

Date of entry in Register:	19 October 1999
Name of applicant/court:	Secretary for Internal Affairs
Applicant to the Labelling Body:	Not Applicable
Title of Publication:	Swank's Just 18 April 1999
Other Known Titles:	Not Stated
Director:	Not Applicable
Producer:	Not Applicable
Publisher:	Swank Publications Inc.
Author:	Not Applicable
Format:	Magazine
Country of Origin:	USA
Language:	English

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Components of film originally examined: Not Applicable.

Feature:	Running time:
Trailers:	Running time:
	Total Running time:

Excision/Alteration: Not Applicable.

Reason(s) for Excision:

Not Applicable.

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Classification Decision:

Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.

Display Conditions:

That when the publication is on public display, the classification given to the publication must be shown on the publication or any package in which the publication is kept;

and

That the publication must be publicly displayed only in a sealed package;

and

That the publication, or any advertising poster relating to the publication, or both, must be publicly displayed only in premises, or a part of premises, set aside for the public display of restricted publications (whether or not articles other than restricted publications are also displayed in those premises or that part of those premises).

or

That when the publication is on public display, the classification given to the publication be shown on the publication; or any package in which the publication is kept.

and

That the publication must be publicly displayed only in a sealed package;

and

That the publication, or any adverting poster relating to the publication, or both, must not be publicly displayed in any place only to persons who make a direct request for the publication or, as the case requires, the poster.

Descriptive Note:

Not Applicable.

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Direction to issue a label has been given on: Not Applicable.

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SUMMARY OF THE REASONS FOR DECISION:

Swank's Just 18 April 1999 is classified as:
Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.

The magazine is given this classification because of its sexually explicit content. It is published in the USA, and consists predominantly of photo-features of young female models, naked or semi-naked, displaying themselves sexually for the reader. There are eight such features, of between five and nine pages each, and these dominate the other contents of the magazine. All of these photo-features are of individual models, except for one that shows implied sexual acts such as cunnilingus between two models. The rest of the contents are mostly made up of dense pages of advertisements (mainly for phone sex services), an editorial, sexually explicit fiction, and letters written in the manner of sexually explicit stories.

This particular issue of the magazine comes very close to but does not meet the test of promoting or supporting, or tending to promote or support, the exploitation of young persons for sexual purposes. The magazine concentrates on promoting the sexual characteristics of young women, as is obvious from the title. However, the age of the models is either clearly 18 or over, or is ambiguous. The magazine is careful to avoid describing or depicting young persons, as such. It is also careful to specify that the age of person it promotes is 18 years or over. In this instance this is sufficient to outweigh and negate those smaller parts of the magazine which are suggestive of the idea of sexual conduct with teenagers or young persons.

The magazine degrades, dehumanises, and demeans women in the manner of some of the content, particularly the advertisements, but not to the extent that the magazine is objectionable because of it, when the dominant effect is taken into account. The restriction of the magazine to adults is a reasonable limit on the rights and freedoms guaranteed in the New Zealand Bill of Rights Act 1990. This is the least restrictive classification that could be applied, given the explicit nature of the magazine.

OFLC Ref: 9900701